

Joshua M. Ko, Esq. (S.B. #235331) – jko@kolawoffice.com
LAW OFFICES OF JOSHUA M. KO
1855 W. Katella Ave., Suite 365
Orange, CA 92867
Telephone: (714) 771-2281
Facsimile: (714) 771-2689

Randolph Gaw (S.B. #223718) – rgaw@thegawgroup.com
THE GAW GROUP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 745-3308
Facsimile: (415) 737-0642

Attorneys for Defendants and Cross-Claimants Elite
Wholesale, Inc., Tonic Wholesale, Inc. d/b/a Ace
Wholesale, Dapan USA Corp. d/b/a Frontier
Wholesale and Sung Keun Lee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INNOVATION VENTURES, LLC, et al.,

Plaintiffs,

v.

PITTSBURG WHOLESALE GROCERS
d/b/a PITCO FOODS, et al.,

Defendants.

Case No. 3:12-CV-05523-WHA

STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING ELITE
DEFENDANTS' CROSS-CLAIMS

AND RELATED CROSS-ACTIONS

1 WHEREAS, Defendants and Cross-Claimants Elite Wholesale, Inc., Tonic Wholesale,
2 Inc., Dapan USA Corp. and Sung Keun Lee (collectively, the “Elite Defendants”) have alleged
3 cross-claims against Defendants and Cross-Defendants Dan-Dee Company, Inc., Fadi Attiq and
4 Kevin Attiq (collectively, the “Dan-Dee Defendants”); and

5 WHEREAS, the Elite Defendants and the Dan-Dee Defendants have entered into a
6 settlement regarding these cross-claims; and

7 WHEREAS, dismissal of the Elite Defendants’ cross-claims is contingent upon
8 payments by the Dan-Dee Defendants to the Elite Defendants; and

9 WHEREAS, the Dan-Dee Defendants have a pending motion to approve a settlement
10 agreement with the Elite Defendants (Docket No. 521);

11 //

12 //

13 //

1 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that if
2 the Court grants the Dan-Dee Defendants' motion to approve the settlement agreement with the
3 Elite Defendants, then all of the Elite Defendants' cross-claims are immediately dismissed with
4 prejudice with each party bearing their own costs.

5
6 Dated: November 13, 2013

THE GAW GROUP

7
8 By: /s/ Randolph Gaw
9 Randolph Gaw
10 Attorneys for Defendants and Cross-
11 Claimants Elite Wholesale Inc., Tonic
Wholesale, Inc., Dapan USA Corp. and
Sung Keun Lee

12 Dated: November 13, 2013

LAW OFFICES OF WILLIAM MARKHAM, P.C.

13
14 By: /s/ William Markham
15 William Markham
16 Attorneys for Defendant and Cross-
17 Defendant Dan-Dee Company, Inc.


18 Dated: November 13, 2013

LAW OFFICES OF STEVEN A. ELIA, P.C.

19
20 By: /s/ Steven A. Elia
21 Steven A. Elia
22 Attorneys for Defendants and Cross-
Defendants Fadi Attiq and Kevin Attiq

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: November 14, 2013.

25 
26 Hon. William S. Alsup
27 United States District Court Judge
28